



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Mark Grzan, Mayor Pro Tempore	Mark Grzan, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, JUNE 21, 2006

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL & REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL & REGULAR MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(Deputy City Clerk/Deputy Agency Secretary Malone)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk/Deputy Agency Secretary Malone)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Authority	Government Code 54957
Public Employee Performance Evaluation:	City Manager
Attendees:	City Council, City Manager

2.

CONFERENCE WITH LABOR NEGOTIATORS – UNREPRESENTED EMPLOYEE:

Authority:	Government Code Section 54957.6
Agency Negotiators:	Mayor Dennis Kennedy, Council Member Steve Tate
Employee:	City Manager
Closed Session Topic:	Give instructions to labor negotiators regarding City Manager's Contract

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Parks & Recreation Month
Parks & Recreation Commissioner Marilyn Librers

RECOGNITIONS

Retiring Board and Commission Member
Library, Culture & Arts Commissioner Jeanne Gregg

Retiring Fire Chief Ben Lopes
Ben Lopes

CITY COUNCIL REPORT

Mayor Kennedy

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-13 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

1. **CENTENNIAL RECREATION CENTER PROJECT – MAY CONSTRUCTION PROGRESS REPORT** **1**
Recommended Action(s): Information only.
2. **NEW LIBRARY PROJECT –MAY CONSTRUCTION PROGRESS REPORT**..... **9**
Recommended Action(s): Information only.
3. **RECOMMENDATION FROM UTILITIES AND ENVIRONMENT COMMITTEE TO OPPOSE AB 2987** **17**
Recommended Action(s): Direct Staff to Draft a Letter of Opposition to AB 2987 for the Mayor's Signature.
4. **APPROVAL OF IMPROVEMENT AGREEMENT WITH TRADER JOE'S (APN 726-43-006)**..... **19**
Recommended Action(s): Authorize the City Manager to Sign an Improvement Agreement with Trader Joe's on behalf of the City, Subject to Review and Approval by the City Attorney.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
5.	<u>FIFTH AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF HATCH & PARENT</u>	23
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute a Fifth Amendment to Agreement with the Law Firm of Hatch & Parent; Subject to Review and Approval by the City Attorney.	
6.	<u>APPROVE ONE YEAR EXTENSIONS FOR VARIOUS PUBLIC WORKS MAINTENANCE AGREEMENTS</u>	41
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> the Option to Extend Current Public Works Maintenance Agreements for One Year Each for a) Striping and Signing, b) Traffic Signal Maintenance, and c) Tree Pruning; and	
	2. <u>Authorize</u> the City Manager to Execute the Agreement Extensions on Behalf of the City; Subject to Review and Approval by the City Attorney.	
7.	<u>ACCEPT BOY'S RANCH RESERVOIR #3 PROJECT</u>	63
	<u>Recommended Action(s):</u>	
	1. <u>Accept</u> as Complete the Boy's Ranch Reservoir #3 Construction Project in the Final Amount of \$1,615,595.00;	
	2. <u>Direct</u> the City Clerk to File the Notice of Completion with the County Recorder's Office; and	
	3. <u>Authorize</u> the Additional Appropriation of \$150,000 from the Funds 651 and 653.	
8.	<u>ALTERNATIVE DISPATCH STUDY</u>	69
	<u>Recommended Action(s):</u> <u>Determine</u> Not to Pursue an Alternative Approach to Dispatch at this Time.	
9.	<u>AUTHORIZATION TO EXTEND ARCHITECTURAL CONSULTANT AGREEMENT FOR THE NEW MORGAN HILL LIBRARY</u>	79
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Amend Noll & Tam's Consultant Agreement Extending the Term until August 31, 2007.	
10.	<u>EXTENSION OF FIRE SERVICES CONTRACT</u>	81
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute an Amendment to the Fire Services Contract with the Santa Clara County Fire District to Extend Services Through September 30, 2009.	
11.	<u>APPROVAL OF RESOLUTION PROVIDING COMPENSATION FOR CITY OF MORGAN HILL MANAGEMENT AND CONFIDENTIAL EMPLOYEES</u>	127
	<u>Recommended Action(s):</u> <u>Adopt</u> Management Resolution.	
12.	<u>ADOPT ORDINANCE NO. 1780, NEW SERIES</u>	137
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1780, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING TITLE I, CHAPTER 2, SECTIONS 2.04.020 AND 2.04.030 OF THE MORGAN HILL MUNICIPAL CODE TO ADJUST THE SALARIES OF COUNCIL MEMBERS AND THE MAYOR.	
13.	<u>APPROVE JOINT CITY COUNCIL REGULAR AND REDEVELOPMENT AGENCY REGULAR MEETING MINUTES FOR JUNE 7, 2006</u>	141

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 14

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Consent Calendar: 1 - 10 Minutes

14. ADOPTION OF SOUTH COUNTY REGIONAL WASTEWATER (SCRWA) AUTHORITY
FISCAL YEAR 2006-2007 BUDGET 169
Recommended Action(s): Approve the Fiscal Year 2006-2007 SCRWA Budget.

City Council and Redevelopment Agency Action

OTHER BUSINESS:

Time Estimate

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15. 10 Minutes ADOPTION OF FISCAL YEAR 2006-2007 OPERATING AND CAPITAL
IMPROVEMENT BUDGET 187
Recommended Action(s):
City Council Action:
1. Adopt Resolution of the City of Morgan Hill Adopting the Fiscal Year
2006-2007 Operating and CIP Budget, and Adopting Appropriations Limit for
Fiscal Year 2006-2007;
Redevelopment Agency Action:
2. Adopt Resolution of the Redevelopment Agency of Morgan Hill Adopting the
Fiscal Year 2006-2007 Agency Budget; and
City Council Action:
3. Approve the Five-Year Capital Improvement Plan.

City Council Action

OTHER BUSINESS:

Time Estimate

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16. 10 Minutes REQUEST FOR CITY COUNCIL SPONSORSHIP OF A “FORMER MAYORS”
AND “SISTER CITIES” FOURTH OF JULY RECEPTION 197
Recommended Action(s): Consider Request to Sponsor the “Former Mayors” and
“Sister Cities” Fourth of July Reception.
17. 10 Minutes RULES FOR SCHEDULING WORKSHOPS AND CLOSED SESSIONS 199
Recommended Action(s):
1. Council Discussion and Direction Regarding Amendment to Council Policy
CP-97-01, Section 5, Subsections D and E – Order of Business, as they Relate to
the Start time of Workshops and Closed Sessions; and
2. Direct Staff to Amend Council Policy CP-97-01 per Council Direction.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action
taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.